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Mi Kyong Shin

PATENT

Attorney Docket No. 29329.749.201



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)	<u>PATENT APPLICATION</u>
)	
Inventor(s): Han Ting CHANG et al.)	
)	Art Unit: 1714
Application No.: 10/806,495)	
)	Examiner: Not yet assigned
Filed: March 22, 2004)	
)	Confirmation No.: 2769
Title: Crosslinked amine polymers)	
)	

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicants reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

- ☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
 - ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
 - ☒ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
 - ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; **or**
 - ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
 - B. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.
- ☒ Copies of references listed on the attached Form PTO/SB/08 are enclosed herewith EXCEPT THAT:
- ☐ In view of the voluminous nature of references, and the likelihood that these references are available to the Examiner in the file history of the parent application (Serial No.), copies are not enclosed herewith.
 - ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
 - ☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed.)

- ☐ There are no listed references which are not in the English language.
- ☐ The relevance of those listed references which are not in the English language is as follows:
- ☐ Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR 1.97(e)(1).
- ☒ Attached are the following non-published pending patent applications which may be deemed relevant.
CHANG, H.T. et al., US Patent Application No. 10/701,385 entitled "Polyamine polymers", filed 11/03/2003 (WSGR Docket No. 29329.703.201).
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No.29329.749.201).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: MAY 26, 2005

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By: 

Eric Witt, Reg. No. 44,408

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Sheet	1	of	4	Application Number	10/806,495
				Filing Date	03/22/2004
				First Named Inventor	Chang et al.
				Art Unit	1714
				Examiner Name	Not yet assigned
				Attorney Docket Number	29329.749.201

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-4,605,701	08/12/1986	Harada et al.	
		US-5,380,522	01/10/1995	Day	
		US-5,447,726	09/05/1995	Nomura	
		US-5,487,888	01/30/1996	Mandeville III, et al.	
		US-5,496,545	03/05/1996	Holmes-Farley et al.	
		US-5,667,775	09/16/1997	Holmes-Farley et al.	
		US-5,698,662	12/16/1997	Stoelwinder et al.	
		US-5,702,696	12/30/1997	Mandeville III, et al.	
		US-5,968,499	10/19/1999	Hider et al.	
		US-5,980,881	11/09/1999	Mitsuka et al.	
		US-5,985,938	11/16/1999	Holmes-Farley et al.	
		US-6,007,803	12/28/1999	Mandeville III et al.	
		US-6,034,129	03/07/2000	Mandeville III et al.	
		US-6,060,604	05/09/2000	Yang et al.	
		US-6,129,910	10/10/2000	Holmes-Farley et al.	
		US-6,132,706	10/17/2000	Hider et al.	
		US-6,180,094	01/30/2001	Sasaki et al.	
		US-6,281,252	08/28/2001	Holmes-Farley et al.	
		US-6,383,518	05/07/2002	Matsuda et al.	
		US-6,423,754	07/23/2002	Holmes-Farley et al.	
		US-6,475,510	11/05/2002	Venkatesh et al.	
		US-6,509,013	01/21/2003	Holmes-Farley et al.	
		US-6,566,407	05/20/2003	Holmes-Farley et al.	
		US-6,593,366	07/15/2003	Mandeville III et al.	
		US-6,696,087	02/24/2004	Matsuda et al.	
		US-6,726,905	04/27/2004	Mandeville III et al.	
		US-6,733,780	05/11/2004	Tyler et al.	
		US-6,767,549	07/27/2004	Mandeville III et al.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/806,495
				Filing Date	03/22/2004
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Sheet	2	of	4	Attorney Docket Number	29329.749.201

U.S. PATENT DOCUMENTS					
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		Number-Kind Code ² (if known)			
		US-2002/0034723	03/21/2002	Leinenbach et al.	
		US-2002/0064511	05/30/2002	Simon et al.	
		US-2002/0146386	10/10/2002	Simon et al.	
		US-2002/0168333	11/14/2002	Burke	
		US-2002/0182168	12/05/2002	Holmes-Farley	
		US-2002/0187120	12/12/2002	Holmes-Farley et al.	
		US-2002/0187121	12/12/2002	Burke	
		US-2003/0039627	02/27/2003	Homes-Farley et al.	
		US-2003/0049226	03/13/2003	Burke et al.	
		US-2003/0078366	04/24/2003	McDonnell et al.	
		US-2003/0091530	05/15/2003	Goto et al.	
		US-2003/0092782	05/15/2003	Goto et al.	
		US-2004/0018169	01/29/2004	Holmes-Farley et al.	
		US-2004/0059065	03/25/2004	Goto et al.	
		US-2004/0120922	06/24/2004	Burke	
		US-2004/0170600	09/02/2004	Simon et al.	
		US-2004/0194334	10/07/2004	Rea	

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Sheet	3	of	4	Attorney Docket Number	29329.749.201

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date ² MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		EP 0373852 B1	10/26/1994	Smith Kline & French Laboratories Limited		
		EP 0741756 B1	11/13/1996	DSM N.V.		
		EP 0997148 B1	05/03/2000	Chugai Seiyaku Kabushiki Kaisha		
		EP 1153940 A1	11/14/2001	Chugai Seiyaku Kabushiki Kaisha		
		EP 1283046 A1	02/12/2003	Hisamitsu Pharmaceuticals Co., Inc.		
		EP 1304104 A2	04/23/2003	Chugai Seiyaku Kabushiki Kaisha		
		WO 93/14147 A1	07/22/1993	DSM N.V.		
		WO 95/05184 A1	02/23/1995	Geltex Pharmaceuticals, Inc.		
		WO 95/19384 A1	07/20/1995	E.I. Du Pont de Nemours and Company; The Du Pont Merck Pharmaceutical company		
		WO 95/20619 A1	08/03/1995	DSM N.V.		
		WO 98/42355 A1	10/01/1998	Geltex Pharmaceuticals, Inc.		
		WO 99/40990 A1	08/19/1999	Kofinas, Peter; Kioussis, Dimitri R.		
		WO 01/28527 A2	04/26/2001	Geltex Pharmaceuticals, Inc.		
		WO 2004/037274 A1	05/06/2004	Genzyme Corporation		
Examiner Signature				Date Considered		

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				Examiner Name	Not yet assigned
Sheet	4	of	4	Attorney Docket Number	29329.749.201

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		BREZINA, B. et al., "Acid loading during treatment with sevelamer hydrochloride: mechanisms and clinical implications". <i>Kidney International</i> , (2004), 66:S39-S45.	
		CHANG, H.T. et al., US Patent Application No. 10/701,385 entitled "Polyamine polymers", filed 11/03/2003 (WSGR Docket No. 29329.703.201).	
		CHERTOW, G.M. et al. "Long-term effects of sevelamer hydrochloride on the calcium x phosphate product nad lipid profile of haemodialysis patients". <i>Nephrology Dialysis Transplantation</i> , (1994), 14:2907-2914.	
		HAGMAIER, V. et al., "Test of efficacy of an oxalate-binding anion exchanger Colestid in healthy subjects for use in idiopathic calcium-oxalate urolithiasis". <i>Helveica Chirurgica Acta</i> , (August 1981), 48(3-4):421-424.	X
		ROSS, E.A. et al., "Synthesis of molecularly imprinted polymers (MIPs) for phosphate binding". Published in the abstract list of Renal Week Conference (September 20, 2004), ASN.	
		SLATOPOLSKY, E.A. et al., "RenaGel [®] , a nonabsorbed calcium-and aluminum-free phosphate binder, lowers serum phosphorus and parathyroid hormone". <i>Kidney International</i> , (1999), 55:299-307.	

Examiner signature		Date Considered	
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¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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